THE

MYSORE GAZETTE.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation

PART III.

Acts of the Governor General of India in Council &c.

FOREIGN DEPARTMENT

NOTIFICATION.

JUDICIAL.

Simla, the 12th August 1875.

No. 121, *J.*—The Governor General in Council is pleased to extend to Mysore Act XIX of 1850 (concerning the binding of apprentices) subject to the following modifications, (namely):—

Omit Sections V, VI, VII, XXII and XXIII.

To Section III add "or required to find security for good behaviour."

In Section X omit the passage relating to apprentices bound to sea-service and the words "or Registering Officer."

In Section XI for VIII read IX and omit the words "or Registering Officer."

In Sections XII and XX omit the words "or Registering Officer."

In Section XIII omit the words "in the said territories."

In Section XV omit the words "or on board the vessel to which he belongs."

In Section XVIII omit the words "referring to causes of complaint arising on board-ship."

In Sections XIX, XX and XXI, and in Schedules A and B, for "executors or administrators," "executors and administrators" read "legal representatives."

In Section XXIV omit the words "without the said towns and island."

In Schedule A omit the words "and seals" and the letters "L. S."

The operation in Mysore of Act XIX of 1850, as above modified, is limited to European and Eurasian children.

C. U. AITCHISON,
Secretary to the Govt. of India.

ACT NO. XIX OF 1850.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL ON THE 11TH APRIL 1850.

Concerning the binding of Apprentices.

For better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood, It is enacted as follows :—

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

II. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

III. Any Magistrate or Justice of the Peace may act within all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him, or any other Magistrate of vagrancy, or the commission of any petty offence, *or required to find security for good behaviour.*

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

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VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A.) annexed to this Act, or to the like effect, which shall set forth the conditions agreed upon particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but, when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the handwriting of the Magistrate.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided, that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section *IX* of this Act; and the Magistrate shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII. The master of any apprentice bound under this Act may with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties foresaid shall be expressed in writing on the same, and signed by them respectively: And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate according to the form given in Schedule (B.) annexed to this Act.

XIII. Upon complaint made to any Magistrate by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not, (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or agent, a reasonable sum for benefit of the apprentice, not exceeding four times the amount of the

premium paid upon the binding, or if no premium, or a less premium than Fifty Rupees was paid, not exceeding Two Hundred Rupees; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XV. Upon complaint made to any Magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped: or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

XVI. Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved: and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

XVII. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the *legal representatives* out of the estate of the deceased to the person or persons who shall have paid the same; unless the *legal representatives* of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the *legal representatives* on the original contract of apprenticeship; and also on the office copies thereof, by the Magistrate; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master, out of the assets left by him: provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the *legal representatives* of such master, or such person as they shall appoint.

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XXIV. An appeal shall lie from any order passed by any Magistrate to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

FORM OF AGREEMENT.

This Agreement made the——day of——in the year——between A. B., of——and C. D., of——witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of——years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for——years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things toward the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) *legal representatives* in consideration (of the premium or sum of——paid by the said A. B. to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and) of the faithful service of the said E. F., doth covenant and agree with the said A. B., his (or her) *legal representatives*, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a——during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary fit and reasonable for an apprentice: (and further, *here insert any special covenants.*)

If there is no premium, the words between brackets may be omitted.

In witness whereof the parties have hereunto set their hands the day and year above written.

A. B.

C. D.

SCHEDULE B.

FORM OF ORDER OF ASSIGNMENT.

(To be endorsed on the Agreement.)

Be it known to all men that on the——day of——in the year——personally appeared before G. H., Magistrate of——C. D., of——with E. F., his (or her) apprentice, and J. K., of——and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F. and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of (the said E. F., and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was bound to the said C. D., as an apprentice on the——day of——in the year——to learn the trade (craft or employment) of a——shall henceforth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself (or herself) his (or her) *legal representatives* to fulfil the covenants by the said C. D. to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

If E. F. is not above the age of fourteen years, the words between brackets may be omitted.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H., *Magistrate.*

THE REFORMATORY SCHOOLS' BILL, 1875.

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A Bill to provide Reformatory and Industrial Schools.

Preamble.

WHEREAS it is expedient to provide Reformatory and Industrial Schools; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Reformatory Schools' Act, 1875":

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Interpretation-clause.

2. In this Act—

"Youthful offender."

"Youthful offender" means—

(*a*) any boy who being at the time under the age of fourteen years, has been convicted of any offence punishable under the Indian Penal Code with imprisonment or transportation;

(*b*) any boy sent to a Reformatory School under this Act.

29 & 30 Vic., c. 118, s. 5.
"Reformatory School."

"Reformatory School" means a school primarily intended for male youthful offenders, and includes a school in which industrial training is provided, and in which boys are lodged, clothed and fed, as well as taught.

"Inspector General."

"Inspector General" includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector General of Gaols.

"Magistrate."

"Magistrate" means in the towns of Calcutta, Madras and Bombay, a Magistrate of Police, and elsewhere a Magistrate of the first class.

II.—Reformatory Schools.

29 & 30 Vic., c. 117, s. 4.
Power to establish and discontinue Reformatory Schools.

3. With the previous sanction of the Governor General in Council, the Local Government may—

(*a*) establish Reformatory Schools at such places as it thinks fit,

(*b*) use as Reformatory Schools, schools kept by persons willing to obey such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,

(*c*) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

Requisites of Schools.

4. Every school so established or used must provide—

(*a*) separate beds for each boy detained therein;

(*b*) proper sanitary arrangements, water-supply, food, clothing and bedding for such boys;

(*c*) the means of giving such boys industrial training;

(*d*) an infirmary or proper place for the reception of such boys when sick.

29 & 30 Vic., c. 117 s. 4.
Bengal Bill s. 7. As the schools will be established by Government this clause seems quite useless, unless where the power given by sec. 3, clause (*b*) is exercised
W. S.

Inspection of Schools.

5. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of Jails, and if in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

Every such school shall from time to time, and at least once in every year, be visited by the said

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Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

29 & 30 Vic., c. 117, s. 14.
Youthful offender may be sent to Reformatory School.

6. Whenever any boy who, in the judgment of the Court before which he is charged, is under the age of fourteen years, is convicted of an offence punishable under the Indian Penal Code with transportation or imprisonment, the Court may, in lieu of sentencing him to transportation or imprisonment, direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two years and not more than seven years.

Also boys under twelve sentenced to imprisonment.

7. Whenever any boy under the age of twelve years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such person is confined may, with the sanction of the Local Government, bring him before the Magistrate within whose jurisdiction such Jail is situate, and the Magistrate, if he thinks fit, may direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two and not more than seven years.

29 & 30 Vic., c. 118, s. 14.
Also boys associating with thieves, &c.,

8. Whenever it appears to a Magistrate from evidence adduced before him that any boy under the age of fourteen years—

(*a*) frequents the company of reputed robbers, house-breakers, thieves, public gamblers, or vagrants, or

(*b*) is without any ostensible means of subsistence,

such Magistrate may direct him to be sent to a Reformatory School and to be there detained for a period of not less than two years and not more than seven years.

Boys above sixteen not to be detained in School.

9. Nothing contained in sections six, seven and eight shall be deemed to authorize the detention in a Reformatory School of any person above the age of sixteen years.

29 & 30 Vic, c. 117, s. 17.
Discharge or removal by order of Government.

10. The Local Government may at any time order any youthful offender to be discharged from a Reformatory School or to be removed from one Reformatory School, to another such school situate within the territories subject to such Government, but so that the whole period of detention of the offender in a Reformatory School shall not be increased by such removal.

III.—Expenses of Reformatory Schools.

See Act XXVI of 1868.
Power to apply Municipal funds.

11. Notwithstanding anything contained in any law for the time being in force in British India, every municipal corporation, municipal committee, or other body of persons duly appointed to conduct the affairs of a municipality may, with the previous sanction of the Local Government, pay out of the funds at their disposal, towards the establishment, or maintenance, or both, of a Reformatory School within the limits of the place for which they are so appointed, such sum as may be agreed on in this behalf by and between the corporation, committee or body and the Local Government.

29 & 30 Vic., c. 117, s. 25.
Power to order parent, &c., of youthful offender to pay out of his maintenance in school.

12. The parent or other person legally liable to maintain any youthful offender detained in a Reformatory School, shall, if of sufficient ability, contribute to his support and maintenance therein a sum not exceeding *five* rupees per month.

On the complaint of the said Inspector General, or of any police officer under his directions (with which directions the police officer is hereby required to comply) at any time during the continuance of the offender in the school, any Magistrate having jurisdiction at the place where the person liable as aforesaid resides, may, on summons to such person, examine into his ability, and may, if the Magistrate thinks fit, make an order on him for payment to the said Inspector General of such monthly sum not exceeding *five* rupees per month as to the Magistrate seems reasonable during the whole or any part of the period for which the offender is liable to be detained in the school.

Every such order may specify the time during which the payment is to be made, or may be until further order.

Every such payment shall be accounted for as the Local Government directs.

The Local Government may in its discretion remit all or any part of any payment so ordered.

Any Magistrate having jurisdiction to make such order may from time to time vary the same as circumstances require on the application either of the person on whom the order is made, or of the said Inspector General, on fourteen days' notice being first given of such application to the Inspector General or such person respectively.

In case of wilful neglect to comply with any order under this section, the Magistrate may proceed in manner provided by the Code of Criminal Procedure, section 536, clause 3.

IV.—Boards of Management.

Appointment of Board of Management.

13. For the control and management of every Reformatory School established under section three, clause (*a*), the Local Government shall,

and for the control and management of every Reformatory School used under section three, clause (*b*), the Local Government may,

from time to time appoint not less than five persons, of whom one at least shall be an officer of Government, and two at least shall be Natives of India.

Such persons shall be called the Board of Management of the School for which they are appointed.

The Local Government may from time to time suspend or remove any person so appointed.

Chairman at meeting of Board.

14. At every meeting of the Board of Management of a school established under section three clause (*a*), the officer of Government (or if there be more than one such officer, the senior officer) present shall be Chairman, and if there be no such officer present, a Chairman shall be elected by a majority of the Members of the Board.

Power to appoint Superintendent.

15. The Board of Management shall appoint, and may (subject to such rules as the Local Government may from time to time prescribe in this behalf) suspend or remove, a Superintendent of the Reformatory School under their control and such other subordinate officers as may be necessary.

29 & 30 Vic., c. 117, s. 18. Boards may license youthful offenders to employers of labor.

16. The Board of Management may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under the hand of their Chairman, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labor and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation, or calling.

The license shall be in force for three months and no longer, but may at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

Cancellation of license at request of employers.

If complaint of employer not, no fresh license until expiry of twelve months.

17. The license shall be cancelled at the desire of the employer named in the license; and if it appears to the Board of Management that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

License to determine on death, &c., of

18. If the employer named in the license die, or cease from business, during the term of the license, the license shall thereupon cease and determine.

19. If it appears to the Board of Management that the employer has illtreated the offender, or has not adequately provided for his lodging and maintenance, the Board of Management may cancel the license.

License may be cancelled in case of ill-treatment.

20. The Board of Management of any Reformatory School shall be deemed to be the guardian of any youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*).

29 & 30 Vic., c. 117, s. 19.
Board to be deemed guardian of youthful offenders.

and if it appear to the Board of Management that any such offender has behaved well during one or more periods of a license, the Board may apprentice him under the provisions of the said Act, and on such apprenticement the responsibility of the Board as regards such offender shall cease.

Board may apprentice youthful offender who has behaved well during term of license.

21. With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

29 & 30 Vic., c. 117, s. 12.
Board may frame rules.

(*a*) the conduct of business of the Board,
(*b*) the Management of the School,
(*c*) the education and industrial training of youthful offenders.
(*d*) visits to and communication with youthful offenders,
(*e*) punishments for offences committed in the School by youthful offenders,
(*f*) the granting of licenses to employers of youthful offenders,
(*g*) and, generally, for carrying out the purposes of this Act.

V.—Offences in relation to Reformatory Schools.

22. Except with the sanction of the Board of Management, no Superintendent of a Reformatory School shall punish any youthful offender with more than five stripes, or with irons, or with solitary confinement for more than six hours.

Punishment to which youthful offenders may be subjected.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

29 & 30 Vic., c. 117, s. 22.
Penalty for abetting escape of youthful offender.

24. A Police Officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under section six, seven, or eight, who has escaped from such School, or from his employer, and take him back to such school or to his employer.

29 & 30 Vic., c. 117, s. 21.
Arrest of escaped youthful offenders.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to establish in British India institutions which, so far as regards males, may serve the combined purposes of the Reformatory Schools and the Industrial Schools so successfully carried on in England under 29 & 30 Vic., cc. 117, 118.

The peculiar circumstances of India render it inexpedient to bring girls within the scope of the Bill.

With the previous sanction of the Governor General in Council, Local Governments are empowered to establish Reformatory Schools (which are defined so as to include schools in which industrial training is provided), or to use as Reformatory Schools, schools kept by persons willing to obey such rules as Government may prescribe.

Provision is made that these schools shall be furnished with the proper requisites and periodically inspected.

Three classes of boys may be sent to Reformatory Schools:

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(a) boys under 14 convicted of offences punishable with transportation or imprisonment, but not sentenced;

(b) boys under 12 sentenced to imprisonment; and—

(c) boys under 14 who associate with thieves, vagrants, &c., or are without visible means of subsistence.

The minimum time for which a boy will be sent to a Reformatory School is two years, the maximum seven years. But no boy will be detained after he attains the age of 16.

As to the expenses of these schools, Municipalities are empowered, with the sanction of the Loca Government, to apply municipal funds to establish or maintain Reformatory Schools, and Magistrates of the first class are empowered to order the parents of youthful offenders to contribute a moderate monthly sum to their support.

The Bill contains provisions as to the Boards which are to control and manage the Schools. Two at least of these managers will always be Natives of India. The Board will have power to license youthful offenders to employers of labor; to cancel such licenses at the employer's request; to apprentice youthful offenders; and to make subsidiary rules.

Lastly, the Bill contains some clauses as to offences in relation to Reformatory Schools.

A. J. ARBUTHNOT.

Simla, the 26th July 1875.

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THE

MYSORE GAZETTE.

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PART III.

Acts of the Governor General of India in Council, &c.

FOREIGN DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Simla, the 12th August 1875.

No. 121, *J.*—The Governor General in Council is pleased to extend to Mysore Act XIX of 1850 (concerning the binding of apprentices) subject to the following modifications, (namely):—

Omit Sections V, VI, VII, XXII and XXIII.

To Section III add "or required to find security for good behaviour."

In Section X omit the passage relating to apprentices bound to sea-service and the words "or Registering Officer."

In Section XI for VIII read IX and omit the words "or Registering Officer."

In Sections XII and XX omit the words "or Registering Officer."

In Section XIII omit the words "in the said territories."

In Section XV omit the words "or on board the vessel to which he belongs."

In Section XVIII omit the words "referring to causes of complaint arising on board-ship."

In Sections XIX, XX and XXI, and in Schedules A and B, for "executors or administrators," "executors and administrators" read "legal representatives."

In Section XXIV omit the words "without the said towns and island."

In Schedule A omit the words "and seals" and the letters "L. S."

The operation in Mysore of Act XIX of 1850, as above modified, is limited to European and Eurasian children.

C. U. AITCHISON,
Secretary to the Govt. of India.

ACT NO. XIX OF 1850.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL ON THE 11TH APRIL 1850.

Concerning the binding of Apprentices.

For better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood, It is enacted as follows :—

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

II. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

III. Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him, or any other Magistrate of vagrancy, or the commission of any petty offence, *or required to find security for good behaviour.*

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

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VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A.) annexed to this Act, or to the like effect, which shall set forth the conditions agreed upon particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but, when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the handwriting of the Magistrate.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided, that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section *IX* of this Act; and the Magistrate shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate according to the form given in Schedule (B.) annexed to this Act.

XIII. Upon complaint made to any Magistrate by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not, (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the

premium paid upon the binding, or if no premium, or a less premium than Fifty Rupees was paid, not exceeding Two Hundred Rupees; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XV. Upon complaint made to any Magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped: or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

XVI. Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved: and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

XVII. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the *legal representatives* out of the estate of the deceased to the person or persons who shall have paid the same; unless the *legal representatives* of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the *legal representatives* on the original contract of apprenticeship; and also on the office copies thereof, by the Magistrate; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master, out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the *legal representatives* of such master, or such person as they shall appoint.

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XXIV. An appeal shall lie from any order passed by any Magistrate to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

FORM OF AGREEMENT.

This Agreement made the——————day of——————in the year ——————between A. B., of——————and C. D., of—————— witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of——————years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for—— years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things toward the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) *legal representatives* in consideration (of the premium or sum of—————paid by the said A. B. to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and) of the faithful service of the said E. F., doth covenant and agree with the said A. B., his (or her) *legal representatives*, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a——————during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary fit and reasonable for an apprentice: (and further, *here insert any special covenants.*)

If there is no premium, the words between brackets may be omitted.

In witness whereof the parties have hereunto set their hands the day and year above written.

A. B.

C. D.

SCHEDULE B.

FORM OF ORDER OF ASSIGNMENT.

(To be endorsed on the Agreement.)

Be it known to all men that on the——————day of ——————in the year——————personally appeared before G. H., Magistrate of——————C. D., of ——————with E. F., his (or her) apprentice, and J. K., of——————and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of (the said E. F., and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was on the——————day of——————in the year——————bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a——————shall henceforth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself (or herself) his (or her) *legal representatives* to fulfil the covenants by the said C. D., to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

If E. F. is not above the age of fourteen years, the words between brackets may be omitted.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H., *Magistrate.*

THE REFORMATORY SCHOOLS' BILL, 1875.

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A Bill to provide Reformatory and Industrial Schools.

Preamble.

WHEREAS it is expedient to provide Reformatory and Industrial Schools; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Reformatory Schools' Act, 1875":

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Interpretation-clause.

2. In this Act—

"Youthful offender."

"Youthful offender" means—

(*a*) any boy who, being at the time under the age of fourteen years, has been convicted of any offence punishable under the Indian Penal Code with imprisonment or transportation;

(*b*) any boy sent to a Reformatory School under this Act.

"Reformatory School."

"Reformatory School" means a school primarily intended for male youthful offenders, and includes a school in which industrial training is provided, and in which boys are lodged, clothed and fed, as well as taught.

29 & 30 Vic., c. 118, s. 5.

"Inspector General."

"Inspector General" includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector General of Gaols.

"Magistrate."

"Magistrate" means in the towns of Calcutta, Madras and Bombay, a Magistrate of Police, and elsewhere a Magistrate of the first class.

II.—Reformatory Schools.

Powers to establish and discontinue Reformatory Schools.

3. With the previous sanction of the Governor General in Council, the Local Government may—

29 & 30 Vic., c. 117, s. 4.

(*a*) establish Reformatory Schools at such places as it thinks fit,

(*b*) use as Reformatory Schools, schools kept by persons willing to obey such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,

(*c*) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

Requisites of Schools.

4. Every school so established or used must provide—

(*a*) separate beds for each boy detained therein;

(*b*) proper sanitary arrangements, water-supply, food, clothing and bedding for such boys;

(*c*) the means of giving such boys industrial training;

(*d*) an infirmary or proper place for the reception of such boys when sick.

Inspection of Schools.

5. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of Jails, and if in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

29 & 30 Vic., c. 117, s. 4.

Bengal Bill, s. 7. As the schools will be established by Government, this clause seems quite useless, unless where the power given by sec. 3, clause (*b*) is exercised W. S.

Every such school shall from time to time, and at least once in every year, be visited by the said

Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

29 & 30 Vic., c. 117, s. 14.
Youthful offender may be sent to Reformatory School.

6. Whenever any boy who, in the judgment of the Court before which he is charged, is under the age of fourteen years, is convicted of an offence punishable under the Indian Penal Code with transportation or imprisonment, the Court may, in lieu of sentencing him to transportation or imprisonment, direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two years and not more than seven years.

Also boys under twelve sentenced to imprisonment.

7. Whenever any boy under the age of twelve years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such person is confined may, with the sanction of the Local Government, bring him before the Magistrate within whose jurisdiction such Jail is situate, and the Magistrate, if he thinks fit, may direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two and not more than seven years.

29 & 30 Vic., c. 118, s. 14.
Also boys associating with thieves, &c.,

8. Whenever it appears to a Magistrate from evidence adduced before him that any boy under the age of fourteen years—

(*a*) frequents the company of reputed robbers, house-breakers, thieves, public gamblers, or vagrants, or

(*b*) is without any ostensible means of subsistence,

such Magistrate may direct him to be sent to a Reformatory School and to be there detained for a period of not less than two years and not more than seven years.

Boys above sixteen not to be detained in School.

9. Nothing contained in sections six, seven and eight shall be deemed to authorize the detention in a Reformatory School of any person above the age of sixteen years.

29 & 30 Vic, c. 117, s. 17.
Discharge or removal by order of Government.

10. The Local Government may at any time order any youthful offender to be discharged from a Reformatory School or to be removed from one Reformatory School, to another such school situate within the territories subject to such Government, but so that the whole period of detention of the offender in a Reformatory School shall not be increased by such removal.

III.—Expenses of Reformatory Schools.

See Act XXVI of 1868.
Power to apply Municipal funds.

11. Notwithstanding anything contained in any law for the time being in force in British India, every municipal corporation, municipal committee, or other body of persons duly appointed to conduct the affairs of a municipality may, with the previous sanction of the Local Government, pay out of the funds at their disposal, towards the establishment, or maintenance, or both, of a Reformatory School within the limits of the place for which they are so appointed, such sum as may be agreed on in this behalf by and between the corporation, committee or body and the Local Government.

29 & 30 Vic., c. 117, s. 25.
Power to order parent, &c., of youthful offender to defray cost of his maintenance in school.

12. The parent or other person legally liable to maintain any youthful offender detained in a Reformatory School, shall, if of sufficient ability, contribute to his support and maintenance therein a sum not exceeding *five* rupees per month.

On the complaint of the said Inspector General, or of any police officer under his directions (with which directions the police officer is hereby required to comply) at any time during the continuance of the offender in the school, any Magistrate having jurisdiction at the place where the person liable as aforesaid resides, may, on summons to such person, examine into his ability, and may, if the Magistrate thinks fit, make an order on him for payment to the said Inspector General of such monthly sum not exceeding *five* rupees per month as to the Magistrate seems reasonable during the whole or any part of the period for which the offender is liable to be detained in the school.

Every such order may specify the time during which the payment is to be made, or may be until further order.

Every such payment shall be accounted for as the Local Government directs.

The Local Government may in its discretion remit all or any part of any payment so ordered.

Any Magistrate having jurisdiction to make such order may from time to time vary the same as circumstances require on the application either of the person on whom the order is made, or of the said Inspector General, on fourteen days' notice being first given of such application to the Inspector General or such person respectively.

In case of wilful neglect to comply with any order under this section, the Magistrate may proceed in manner provided by the Code of Criminal Procedure, section 536, clause 3.

IV.—Boards of Management.

Appointment of Board of Management.

13. For the control and management of every Reformatory School established under section three, clause (*a*), the Local Government shall,

and for the control and management of every Reformatory School used under section three, clause (*b*), the Local Government may,

from time to time appoint not less than five persons, of whom one at least shall be an officer of Government, and two at least shall be Natives of India.

Such persons shall be called the Board of Management of the School for which they are appointed.

The Local Government may from time to time suspend or remove any person so appointed.

Chairman at meeting of Board.

14. At every meeting of the Board of Management of a school established under section three, clause (*c*), the officer of Government (or if there be more than one such officer, the senior officer) present shall be Chairman, and if there be no such officer present, a Chairman shall be elected by a majority of the Members of the Board.

Power to appoint Superintendent.

15. The Board of Management shall appoint, and may (subject to such rules as the Local Government may from time to time prescribe in this behalf) suspend or remove, a Superintendent of the Reformatory School under their control and such other subordinate officers as may be necessary.

29 & 30 Vic., c. 117, s. 18.
Board may license youthful offenders to employers of labor.

16. The Board of Management may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under the hand of their Chairman, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labor and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation, or calling.

The license shall be in force for three months and no longer, but may at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

Cancellation of license at request of employers.

If complaint of employers just, no fresh license until expiry of twelve months.

17. The license shall be cancelled at the desire of the employer named in the license; and if it appears to the Board of Management that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

License to determine on death, &c., of employer.

18. If the employer named in the license die, or cease from business, during the term of the license, the license shall thereupon cease and determine.

19. If it appears to the Board of Management that the employer has illtreated the offender, or has not adequately provided for his lodging and maintenance, the Board of Management may cancel the license.

License may be cancelled in case of illtreatment.

20. The Board of Management of any Reformatory School shall be deemed to be the guardian of any youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*),

29 & 30 Vic., c. 117, s. 19.
Board to be deemed guardian of youthful offenders.

and if it appear to the Board of Management that any such offender has behaved well during one or more periods of a license, the Board may apprentice him under the provisions of the said Act, and on such apprenticement the responsibility of the Board as regards such offender shall cease.

Board may apprentice youthful offender who has behaved well during term of license.

21. With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

29 & 30 Vic., c. 117, s. 12.
Board may frame rules.

(*a*) the conduct of business of the Board,
(*b*) the Management of the School,
(*c*) the education and industrial training of youthful offenders.
(*d*) visits to and communication with youthful offenders,
(*e*) punishments for offences committed in the School by youthful offenders,
(*f*) the granting of licenses to employers of youthful offenders,
(*g*) and, generally, for carrying out the purposes of this Act.

V.—Offences in relation to Reformatory Schools.

22. Except with the sanction of the Board of Management, no Superintendent of a Reformatory School shall punish any youthful offender with more than five stripes, or with irons, or with solitary confinement for more than six hours.

Punishment to which youthful offenders may be subjected.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

29 & 30 Vic., c. 117, s. 22.
Penalty for abetting escape of youthful offender.

24. A Police Officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under section six, seven, or eight, who has escaped from such School, or from his employer, and take him back to such school or to his employer.

29 & 30 Vic., c. 117, s. 21.
Arrest of escaped youthful offenders.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to establish in British India institutions which, so far as regards males, may serve the combined purposes of the Reformatory Schools and the Industrial Schools so successfully carried on in England under 29 & 30 Vic., cc. 117, 118.

The peculiar circumstances of India render it inexpedient to bring girls within the scope of the Bill.

With the previous sanction of the Governor General in Council, Local Governments are empowered to establish Reformatory Schools (which are defined so as to include schools in which industrial training is provided), or to use as Reformatory Schools, schools kept by persons willing to obey such rules as Government may prescribe.

Provision is made that these schools shall be furnished with the proper requisites and periodically inspected.

Three classes of boys may be sent to Reformatory Schools:

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(a) boys under 14 convicted of offences punishable with transportation or imprisonment, but not sentenced;

(b) boys under 12 sentenced to imprisonment; and—

(c) boys under 14 who associate with thieves, vagrants, &c., or are without visible means of subsistence.

The minimum time for which a boy will be sent to a Reformatory School is two years, the maximum seven years. But no boy will be detained after he attains the age of 16.

As to the expenses of these schools, Municipalities are empowered, with the sanction of the Local Government, to apply municipal funds to establish or maintain Reformatory Schools, and Magistratesof the first class are empowered to order the parents of youthful offenders to contribute a moderate monthly sum to their support.

The Bill contains provisions as to the Boards which are to control and manage the Schools. Two at least of these managers will always be Natives of India. The Board will have power to license youthful offenders to employers of labor; to cancel such licenses at the employer's request; to apprentice youthful offenders; and to make subsidiary rules.

Lastly, the Bill contains some clauses as to offences in relation to Reformatory Schools.

A. J. ARBUTHNOT.

Simla, the 26th July 1875.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation

PART III.

Acts of the Governor General of India in Council, &c.

FOREIGN DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Simla, the 12th August 1875.

No. 121, *J.*—The Governor General in Council is pleased to extend to Mysore Act XIX of 1850 (concerning the binding of apprentices) subject to the following modifications, (namely):—

Omit Sections V, VI, VII, XXII and XXIII.

To Section III add "or required to find security for good behaviour."

In Section X omit the passage relating to apprentices bound to sea-service and the words "or Registering Officer."

In Section XI for VIII read IX and omit the words "or Registering Officer."

In Sections XII and XX omit the words "or Registering Officer."

In Section XIII omit the words "in the said territories."

In Section XV omit the words "or on board the vessel to which he belongs."

In Section XVIII omit the words "referring to causes of complaint arising on board-ship."

In Sections XIX, XX and XXI, and in Schedules A and B, for "executors or administrators," "executors and administrators" read "legal representatives."

In Section XXIV omit the words "without the said towns and island."

In Schedule A omit the words "and seals" and the letters "L. S."

The operation in Mysore of Act XIX of 1850, as above modified, is limited to European and Eurasian children.

C. U. AITCHISON,
Secretary to the Govt. of India.

ACT NO. XIX OF 1850.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL ON THE 11TH APRIL 1850.

Concerning the binding of Apprentices.

For better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood, It is enacted as follows :—

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

II. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

III. Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him, or any other Magistrate of vagrancy, or the commission of any petty offence, *or required to find security for good behaviour.*

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

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VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A.) annexed to this Act, or to the like effect, which shall set forth the conditions agreed upon particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but, when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the handwriting of the Magistrate.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided, that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section *IX* of this Act; and the Magistrate shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate according to the form given in Schedule (B.) annexed to this Act.

XIII. Upon complaint made to any Magistrate by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not, (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the

premium paid upon the binding, or if no premium, or a less premium than Fifty Rupees was paid, not exceeding Two Hundred Rupees; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XV. Upon complaint made to any Magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped: or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

XVI. Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved: and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

XVII. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the *legal representatives* out of the estate of the deceased to the person or persons who shall have paid the same; unless the *legal representatives* of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the *legal representatives* on the original contract of apprenticeship; and also on the office copies thereof, by the Magistrate; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master, out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the *legal representatives* of such master, or such person as they shall appoint.

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XXIV. An appeal shall lie from any order passed by any Magistrate to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

FORM OF AGREEMENT.

This Agreement made the————————day of————————in the year ————————between A. B., of————————and C. D, of———————— witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of————years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for———— years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things toward the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) *legal representatives* in consideration (of the premium or sum of————paid by the said A. B. to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and) of the faithful service of the said E. F., doth covenant and agree with the said A. B., his (or her) *legal representatives*, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a————during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary fit and reasonable for an apprentice: (and further, *here insert any special covenants.*)

If there is no premium, the words between brackets may be omitted.

In witness whereof the parties have hereunto set their hands the day and year above written.

A. B.

C. D.

SCHEDULE B.

FORM OF ORDER OF ASSIGNMENT.

(To be endorsed on the Agreement.)

Be it known to all men that on the————————day of ————in the year————personally appeared before G. H., Magistrate of————C. D., of ————with E. F., his (or her) apprentice, and J. K., of————and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of (the said E. F., and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was on the————day of————in the year————bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a————shall henceforth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself (or herself) his (or her) *legal representatives* to fulfil the covenants by the said C. D., to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

If E. F. is not above the age of fourteen years, the words between brackets may be omitted.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H., *Magistrate.*

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THE REFORMATORY SCHOOLS' BILL, 1875.

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A Bill to provide Reformatory and Industrial Schools.

WHEREAS it is expedient to provide Reformatory and Industrial Schools; It is hereby enacted as follows:—

Preamble.

I.—Preliminary.

Short title.

1. This Act may be called "The Reformatory Schools' Act, 1875":

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Interpretation-clause.

2. In this Act—

"Youthful offender."

"Youthful offender" means—

(a) any boy who, being at the time under the age of fourteen years, has been convicted of any offence punishable under the Indian Penal Code with imprisonment or transportation;

(b) any boy sent to a Reformatory School under this Act.

29 & 30 Vic., c. 118, s. 5.
"Reformatory School."

"Reformatory School" means a school primarily intended for male youthful offenders, and includes a school in which industrial training is provided, and in which boys are lodged, clothed and fed, as well as taught.

"Inspector General."

"Inspector General" includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector General of Gaols.

"Magistrate."

"Magistrate" means in the towns of Calcutta, Madras and Bombay, a Magistrate of Police, and elsewhere a Magistrate of the first class.

II.—Reformatory Schools.

29 & 30 Vic., c. 117, s. 4.
Powers to establish and discontinue Reformatory Schools.

3. With the previous sanction of the Governor General in Council, the Local Government may—

(a) establish Reformatory Schools at such places as it thinks fit,

(b) use as Reformatory Schools, schools kept by persons willing to obey such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,

(c) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

Requisites of Schools.

4. Every school so established or used must provide—

(a) separate beds for each boy detained therein;

(b) proper sanitary arrangements, water-supply, food, clothing and bedding for such boys;

(c) the means of giving such boys industrial training;

(d) an infirmary or proper place for the reception of such boys when sick.

29 & 30 Vic., c. 117, s. 4.
Bengal Bill, s. 7. As the schools will be established by Government this clause seems quite needless, and [illegible] the power given by sec. 5, clause (b) is exercised. W. S.

5. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of Jails, and if in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

Inspection of Schools.

Every such school shall from time to time, and at least once in every year, be visited by the said

Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

29 & 30 Vic., c. 117, s. 14.
Youthful offender may be sent to Reformatory School.

6. Whenever any boy who, in the judgment of the Court before which he is charged, is under the age of fourteen years, is convicted of an offence punishable under the Indian Penal Code with transportation or imprisonment, the Court may, in lieu of sentencing him to transportation or imprisonment, direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two years and not more than seven years.

Also boys under twelve sentenced to imprisonment.

7. Whenever any boy under the age of twelve years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such person is confined may, with the sanction of the Local Government, bring him before the Magistrate within whose jurisdiction such Jail is situate, and the Magistrate, if he thinks fit, may direct him to be sent to a Reformatory School, and to be there detained for a period of not less than two and not more than seven years.

29 & 30 Vic., c. 118, s. 14.
Also boys associating with thieves, &c.,

8. Whenever it appears to a Magistrate from evidence adduced before him that any boy under the age of fourteen years—

(*a*) frequents the company of reputed robbers, house-breakers, thieves, public gamblers, or vagrants, or

(*b*) is without any ostensible means of subsistence,

such Magistrate may direct him to be sent to a Reformatory School and to be there detained for a period of not less than two years and not more than seven years.

Boys above sixteen not to be detained in School.

9. Nothing contained in sections six, seven and eight shall be deemed to authorize the detention in a Reformatory School of any person above the age of sixteen years.

29 & 30 Vic, c. 117, s. 17.
Discharge or removal by order of Government.

10. The Local Government may at any time order any youthful offender to be discharged from a Reformatory School or to be removed from one Reformatory School, to another such school situate within the territories subject to such Government, but so that the whole period of detention of the offender in a Reformatory School shall not be increased by such removal.

III.—Expenses of Reformatory Schools.

See Act XXVI of 1868.
Power to apply Municipal funds.

11. Notwithstanding anything contained in any law for the time being in force in British India, every municipal corporation, municipal committee, or other body of persons duly appointed to conduct the affairs of a municipality may, with the previous sanction of the Local Government, pay out of the funds at their disposal, towards the establishment, or maintenance, or both, of a Reformatory School within the limits of the place for which they are so appointed, such sum as may be agreed on in this behalf by and between the corporation, committee or body and the Local Government.

29 & 30 Vic., c. 117, s. 25.
Power to order parent, &c., of youthful offender to defray cost of his maintenance in school.

12. The parent or other person legally liable to maintain any youthful offender detained in a Reformatory School, shall, if of sufficient ability, contribute to his support and maintenance therein a sum not exceeding *five* rupees per month.

On the complaint of the said Inspector General, or of any police officer under his directions (with which directions the police officer is hereby required to comply) at any time during the continuance of the offender in the school, any Magistrate having jurisdiction at the place where the person liable as aforesaid resides, may, on summons to such person, examine into his ability, and may, if the Magistrate thinks fit, make an order on him for payment to the said Inspector General of such monthly sum not exceeding *five* rupees per month as to the Magistrate seems reasonable during the whole or any part of the period for which the offender is liable to be detained in the school.

Every such order may specify the time during which the payment is to be made, or may be until further order.

Every such payment shall be accounted for as the Local Government directs.

The Local Government may in its discretion remit all or any part of any payment so ordered.

Any Magistrate having jurisdiction to make such order may from time to time vary the same as circumstances require on the application either of the person on whom the order is made, or of the said Inspector General, on fourteen days' notice being first given of such application to the Inspector General or such person respectively.

In case of wilful neglect to comply with any order under this section, the Magistrate may proceed in manner provided by the Code of Criminal Procedure, section 536, clause 3.

IV.—Boards of Management.

Appointment of Board of Management.

13. For the control and management of every Reformatory School established under section three, clause (*a*), the Local Government shall,

and for the control and management of every Reformatory School used under section three, clause (*b*), the Local Government may,

from time to time appoint not less than five persons, of whom one at least shall be an officer of Government, and two at least shall be Natives of India.

Such persons shall be called the Board of Management of the School for which they are appointed.

The Local Government may from time to time suspend or remove any person so appointed.

Chairman at meeting of Board.

14. At every meeting of the Board of Management of a school established under section three, clause (*a*), the officer of Government (or if there be more than one such officer, the senior officer) present shall be Chairman, and if there be no such officer present, a Chairman shall be elected by a majority of the Members of the Board.

Power to appoint Superintendent.

15. The Board of Management shall appoint, and may (subject to such rules as the Local Government may from time to time prescribe in this behalf) suspend or remove, a Superintendent of the Reformatory School under their control and such other subordinate officers as may be necessary.

29 & 30 Vic., c. 117, s. 18.
Board may license youthful offenders to employers of labor.

16. The Board of Management may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under the hand of their Chairman, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labor and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation, or calling.

The license shall be in force for three months and no longer, but may at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

Cancellation of license at request of employers.

If complaint of employers just, no fresh license until expiry of twelve months.

17. The license shall be cancelled at the desire of the employer named in the license; and if it appears to the Board of Management that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

License to determine on death, &c., of employer.

18. If the employer named in the license die, or cease from business, during the term of the license, the license shall thereupon cease and determine.

19. If it appears to the Board of Management that the employer has illtreated the offender, or has not adequately provided for his lodging and maintenance, the Board of Management may cancel the license.

License may be cancelled in case of ill-treatment.

20. The Board of Management of any Reformatory School shall be deemed to be the guardian of any youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*),

29 & 30 Vic., c. 117, s. 19. Board to be deemed guardian of youthful offenders.

and if it appear to the Board of Management that any such offender has behaved well during one or more periods of a license, the Board may apprentice him under the provisions of the said Act, and on such apprenticement the responsibility of the Board as regards such offender shall cease.

Board may apprentice youthful offender who has behaved well during term of license.

21. With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

29 & 30 Vic., c. 117, s. 12. Board may frame rules.

(*a*) the conduct of business of the Board,
(*b*) the Management of the School,
(*c*) the education and industrial training of youthful offenders.
(*d*) visits to and communication with youthful offenders,
(*e*) punishments for offences committed in the School by youthful offenders,
(*f*) the granting of licenses to employers of youthful offenders,
(*g*) and, generally, for carrying out the purposes of this Act.

V.—Offences in relation to Reformatory Schools.

22. Except with the sanction of the Board of Management, no Superintendent of a Reformatory School shall punish any youthful offender with more than five stripes, or with irons, or with solitary confinement for more than six hours.

Punishment to which youthful offenders may be subjected.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

29 & 30 Vic., c. 117, s. 22. Penalty for abetting escape of youthful offender.

24. A Police Officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under section six, seven, or eight, who has escaped from such School, or from his employer, and take him back to such school or to his employer.

29 & 30 Vic., c. 117, s. 21. Arrest of escaped youthful offenders.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to establish in British India institutions which, so far as regards males, may serve the combined purposes of the Reformatory Schools and the Industrial Schools so successfully carried on in England under 29 & 30 Vic., cc. 117, 118.

The peculiar circumstances of India render it inexpedient to bring girls within the scope of the Bill.

With the previous sanction of the Governor General in Council, Local Governments are empowered to establish Reformatory Schools (which are defined so as to include schools in which industrial training is provided), or to use as Reformatory Schools, schools kept by persons willing to obey such rules as Government may prescribe.

Provision is made that these schools shall be furnished with the proper requisites and periodically inspected.

Three classes of boys may be sent to Reformatory Schools:

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(a) boys under 14 convicted of offences punishable with transportation or imprisonment, but not sentenced;

(b) boys under 12 sentenced to imprisonment; and—

(c) boys under 14 who associate with thieves, vagrants, &c., or are without visible means of subsistence.

The minimum time for which a boy will be sent to a Reformatory School is two years, the maximum seven years. But no boy will be detained after he attains the age of 16.

As to the expenses of these schools, Municipalities are empowered, with the sanction of the Local Government, to apply municipal funds to establish or maintain Reformatory Schools, and Magistrates of the first class are empowered to order the parents of youthful offenders to contribute a moderate monthly sum to their support.

The Bill contains provisions as to the Boards which are to control and manage the Schools. Two at least of these managers will always be Natives of India. The Board will have power to license youthful offenders to employers of Labor; to cancel such licenses at the employer's request; to apprentice youthful offenders; and to make subsidiary rules.

Lastly, the Bill contains some clauses as to offences in relation to Reformatory Schools.

Simla, the 26th July 1875. A. J. ARBUTHNOT.

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